

House File 2451

H-8186

1 Amend the amendment, H-8161, to House File 2451 as  
2 follows:

3 1. Page 2, after line 34 by inserting:

4 <\_\_\_. Page 1, line 10, by striking <authority> and  
5 inserting <authority clean water commission created in  
6 section 466D.1>>

7 2. Page 3, after line 6 by inserting:

8 <\_\_\_. Page 3, by striking lines 4 through 6.>

9 3. Page 6, line 10, by striking <authority> and  
10 inserting <clean water commission created in section  
11 466D.1>

12 4. By striking page 7, line 34, through page 8,  
13 line 3.

14 5. Page 9, after line 16 by inserting:

15 <\_\_\_. Page 6, after line 16 by inserting:

16 <Sec. \_\_\_. Section 466B.2, Code 2016, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 01. "*Commission*" means the clean  
19 water commission created in section 466D.1.

20 Sec. \_\_\_. Section 466B.3, subsections 1 and 2, Code  
21 2016, are amended to read as follows:

22 1. *Council established.* A water resources  
23 coordinating council is established within the  
24 department of agriculture and land stewardship. The  
25 council shall carry out the powers and duties described  
26 in this section in accordance with the policies and  
27 under the direction and supervision of the commission.  
28 The council shall advise the commission as required by  
29 the commission.

30 2. *Purpose.* The purpose of the council shall be  
31 to advise the commission regarding strategies and  
32 methods to preserve and protect Iowa's water resources,  
33 and to coordinate the management of those resources  
34 in a sustainable and fiscally responsible manner. In  
35 ~~the pursuit of this purpose~~ providing advice to the

1 commission and acting in accordance with its policies,  
2 and under its direction and supervision, the council  
3 shall use an integrated approach to water resource  
4 management, recognizing that insufficiencies exist  
5 in current approaches and practices, as well as in  
6 funding sources and the utilization of funds. The  
7 integrated approach ~~used by the council~~ shall attempt  
8 to overcome old categories, labels, and obstacles  
9 with the primary goal of managing the state's water  
10 resources comprehensively rather than compartmentally.

11 Sec. \_\_\_\_\_. Section 466B.3, subsection 3, unnumbered  
12 paragraph 1, Code 2016, is amended to read as follows:

13 The success of ~~the council's~~ efforts made under this  
14 section shall ultimately be measured by the following  
15 outcomes:

16 Sec. \_\_\_\_\_. Section 466B.3, subsection 6, paragraph  
17 c, Code 2016, is amended to read as follows:

18 c. The council, acting in accordance with the  
19 policies and under the direction and supervision of the  
20 commission, shall develop recommendations for policies  
21 and funding promoting a watershed management approach  
22 to reduce the adverse impact of future flooding on this  
23 state's residents, businesses, communities, and soil  
24 and water quality. The council and the commission  
25 shall consider policies and funding options for various  
26 strategies to reduce the impact of flooding, including  
27 but not limited to additional floodplain regulation;  
28 wetland protection, restoration, and construction; the  
29 promulgation and implementation of statewide storm  
30 water management standards; conservation easements and  
31 other land management; perennial ground cover and other  
32 agricultural conservation practices; pervious pavement,  
33 bioswales, and other urban conservation practices; and  
34 permanent or temporary water retention structures.  
35 In developing recommendations, the council and the

1 commission shall consult with hydrological and land use  
2 experts, representatives of cities, counties, drainage  
3 and levee districts, agricultural interests, and soil  
4 and water conservation districts, and other urban and  
5 regional planning experts.

6 Sec. \_\_\_\_\_. Section 466B.31, subsection 1, Code 2016,  
7 is amended to read as follows:

8 1. a. A watershed planning advisory council is  
9 established for purposes of assembling a diverse  
10 group of stakeholders to review research and make  
11 recommendations to various state entities regarding  
12 methods to protect water resources in the state,  
13 assure an adequate supply of water, mitigate and  
14 prevent floods, and coordinate the management of those  
15 resources in a sustainable, fiscally responsible, and  
16 environmentally responsible manner.

17 b. The council shall carry out the powers and  
18 duties described in this section in accordance with the  
19 policies and under the direction and supervision of the  
20 commission. The council shall advise the commission as  
21 required by the commission.

22 c. The advisory commission shall supervise the  
23 council ~~may seek~~ in seeking input from councils of  
24 governments or other organizations in the development  
25 of its recommendations. The advisory council shall  
26 meet once a year and at other times as deemed necessary  
27 to meet the requirements of this section. The advisory  
28 council may appoint a task force to assist the advisory  
29 council in completing its duties.

30 Sec. \_\_\_\_\_. Section 466B.31, subsection 3, unnumbered  
31 paragraph 1, Code 2016, is amended to read as follows:

32 By December 1 of each year, the watershed planning  
33 advisory council with approval by the commission shall  
34 submit a report to the governor, the general assembly,  
35 the department of agriculture and land stewardship,

1 the department of natural resources, and the water  
2 resources coordinating council. The report shall  
3 include recommendations regarding all of the following:

4 Sec. \_\_\_\_\_. Section 466B.42, Code 2016, is amended to  
5 read as follows:

6 **466B.42 Water quality initiative.**

7 ~~The division shall establish a~~ A water quality  
8 initiative is established in order to assess and  
9 reduce nutrients in this state's watersheds, including  
10 subwatersheds, and regional watersheds. ~~The division~~  
11 commission shall establish oversee and the division,  
12 acting in accordance with the policies and under the  
13 direction and supervision of the commission, shall  
14 administer the water quality initiative and advise the  
15 commission as required by the commission. As part of  
16 the initiative, the division shall administer projects  
17 to reduce nutrients in surface waters from nonpoint  
18 sources in a scientific, reasonable, and cost-effective  
19 manner. The commission and the division shall utilize  
20 a pragmatic, strategic, and coordinated approach with  
21 the goal of accomplishing reductions over time.>>

22 6. Page 11, by striking lines 4 through 8.

23 7. Page 12, by striking lines 23 through 27.

24 8. Page 12, after line 31 by inserting:

25 <\_\_\_\_. Page 6, after line 16 by inserting:

26 <Sec. \_\_\_\_\_. Section 466B.45, subsections 1 through  
27 3, Code 2016, are amended to read as follows:

28 1. A water quality initiative fund is created in  
29 the state treasury under the management and control  
30 of the commission which shall be administered by the  
31 division.

32 2. The fund shall include moneys appropriated  
33 by the general assembly. The fund may include other  
34 moneys available to and obtained or accepted by the  
35 ~~division~~ commission, including moneys from public or

1 private sources.

2 3. Moneys in the fund are appropriated to the  
3 ~~division~~ commission and shall be used exclusively to  
4 carry out the provisions of this subchapter by the  
5 division as determined by the ~~division~~ commission, and  
6 shall not require further special authorization by the  
7 general assembly.>>

8 Sec. \_\_\_\_ . NEW SECTION. 466D.1 Clean water  
9 commission — appointment and administration.

10 1. There is created a clean water commission which  
11 shall be housed in the department of agriculture and  
12 land stewardship.

13 2. The commission shall be composed of nine voting  
14 members appointed by the governor, subject to senate  
15 confirmation.

16 3. The commission shall be comprised of four  
17 legislative members who shall serve in a nonvoting  
18 ex officio capacity. The legislative members shall  
19 include all of the following:

20 a. Two members of the senate. One senator shall be  
21 appointed by the majority leader of the senate and one  
22 senator shall be appointed by the minority leader of  
23 the senate.

24 b. Two members of the house of representatives.  
25 One member shall be appointed by the speaker of the  
26 house of representatives and one member shall be  
27 appointed by the minority leader of the house of  
28 representatives.

29 4. The voting members shall serve four-year terms  
30 and may be reappointed. The initial terms of the  
31 voting members shall be staggered at the discretion of  
32 the governor. Nonvoting members shall serve at the  
33 pleasure of the persons making their appointments.

34 5. Sections 69.16, 69.16A, and 69.19 shall apply to  
35 the voting members.

1 6. a. A member, other than a legislative member,  
2 is eligible to receive compensation as provided in  
3 section 7E.6, and shall be reimbursed for actual and  
4 necessary expenses incurred in performance of the  
5 member's duties. All expenses shall be paid from  
6 appropriations for such purposes, and the commission  
7 shall be subject to the budget requirements of chapter  
8 8.

9 b. A legislative member serves for a term as  
10 provided in section 69.16B and is eligible for per diem  
11 and expenses as provided in section 2.10.

12 7. The commission shall meet in January of each  
13 year for the purpose of electing one of its voting  
14 members as chairperson.

15 8. The commission shall meet on a regular basis  
16 and at the call of the chairperson or upon the written  
17 request to the chairperson of five or more members.  
18 Written notice of the time and place of the meeting  
19 shall be given to each member.

20 9. A majority of voting members constitutes a  
21 quorum, and the affirmative vote of a majority of  
22 voting members is necessary for any action taken by  
23 the board, except that a lesser number may adjourn a  
24 meeting.

25 10. Any vacancy in the membership of the commission  
26 shall be filled in the same manner as regular  
27 appointments are made for the unexpired portion of  
28 the regular term. A vacancy in the membership of the  
29 commission does not impair the rights of a quorum to  
30 exercise all rights and perform all duties of the  
31 commission.

32 11. A person shall not serve as a member of the  
33 commission if the person has an interest in a contract  
34 or job of work or material or the profits thereof  
35 or service to be performed for the department of

1 agriculture and land stewardship or the department of  
2 natural resources. Any member of the commission who  
3 accepts employment with or acquires any stock, bonds,  
4 or other interest in any company or corporation doing  
5 business with the department of agriculture and land  
6 stewardship or the department of natural resources  
7 shall be disqualified from remaining a member of the  
8 commission.

9 12. The department of agriculture and land  
10 stewardship in cooperation with the department of  
11 natural resources shall assist the commission by doing  
12 all of the following:

13 a. Provide the commission with necessary  
14 facilities, items, and clerical support.

15 b. Perform administrative functions necessary for  
16 the management of the commission.

17 Sec. \_\_\_\_ . NEW SECTION. **466D.2 Clean water**  
18 **commission — powers and duties.**

19 1. The purpose of the clean water commission shall  
20 be to oversee the management and fiscal components of  
21 all of the following:

22 a. The wastewater and drinking water treatment  
23 financial assistance program created in section 16.134  
24 as administered by the Iowa finance authority.

25 b. The water quality financing program created  
26 in section 16.144 as administered by the Iowa finance  
27 authority in cooperation with the department of natural  
28 resources and the department of agriculture and land  
29 stewardship.

30 c. The water resources coordinating council  
31 activities as provided in section 466B.3.

32 d. The activities of the watershed planning  
33 advisory council as provided in section 466B.31.

34 e. The water quality initiative and water quality  
35 initiative fund as provided in sections 466B.42 and

1 466B.45.

2 *f.* The water quality agriculture infrastructure  
3 programs created in section 466B.43, including an  
4 edge-of-field infrastructure program and an in-field  
5 infrastructure program, as administered by the  
6 division of soil conservation and water quality of the  
7 department of agriculture and land stewardship.

8 *g.* The water quality urban infrastructure program  
9 created in section 466B.44 as administered by the  
10 division of soil conservation and water quality of the  
11 department of agriculture and land stewardship.

12 2. The clean water commission shall establish  
13 in-stream water quality improvement objectives of  
14 programs described in subsection 1 to be achieved by  
15 dates identified by the commission which shall include  
16 program timelines and milestones. The commission  
17 shall benchmark, monitor, measure, and publicly report  
18 progress toward achieving program objectives on a  
19 watershed basis.

20 3. The commission may develop and update  
21 comprehensive water quality policies and plans,  
22 including integration of existing plans, programs,  
23 and projects. The commission shall use existing data  
24 and amend, augment, and consolidate existing plans or  
25 strategies which have improved or which promise to  
26 improve water quality. The information collected by  
27 the department shall be made readily available and  
28 maintained in a computer-readable format.

29 4. The commission may identify additional water  
30 quality improvement needs on a watershed basis,  
31 including the need to develop new or innovative  
32 programs or projects.

33 5. By October 1, 2017, and by October 1 of each  
34 year thereafter, the commission shall submit a report  
35 to the governor and the general assembly on the

1 programs described in subsection 1. A report shall  
2 include all of the following:

3 a. A description and update of the current status  
4 of the programs and associated projects, and the  
5 expenditure of moneys appropriated to support the  
6 programs and associated projects.

7 b. An evaluation of the successes and failures  
8 of each program and associated project in meeting  
9 the program's objectives. The report shall include  
10 any legislative proposals to enact, amend, or repeal  
11 statutes and any administrative proposals to adopt,  
12 revise, or rescind administrative rules.

13 6. The Iowa finance authority, the department of  
14 natural resources, the department of agriculture and  
15 land stewardship, and the water quality financing  
16 review committee created in section 16.134 shall  
17 cooperate with the commission in providing the  
18 commission with all information necessary in order for  
19 the commission to carry out the provisions of this  
20 section.

21 7. The commission shall adopt rules pursuant to  
22 chapter 17A for the administration of this chapter.  
23 The commission, in consultation with the Iowa finance  
24 authority, the department of natural resources, the  
25 department of agriculture and land stewardship, and  
26 the water quality finance review committee created in  
27 section 16.134, shall adopt rules pursuant to chapter  
28 17A for the administration of the programs under the  
29 purview of the commission.>>

30 9. Page 13, line 16, after <initiative,> by  
31 inserting <establishing a clean water commission  
32 and transferring certain powers and duties to the  
33 commission,>

34 10. By renumbering, redesignating, and correcting  
35 internal references as necessary.

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ISENHART of Dubuque

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ANDERSON of Polk

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BERRY of Black Hawk

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BROWN-POWERS of Black Hawk

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FINKENAUER of Dubuque

---

FORBES of Polk

---

GASKILL of Wapello

---

HANSON of Jefferson

---

KELLEY of Jasper

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LENSING of Johnson

---

MEYER of Polk

---

OLSON of Polk

---

PRICHARD of Floyd

---

STAED of Linn

---

STUTSMAN of Johnson

---

WESSEL-KROESCHELL of Story

---

WINCKLER of Scott

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WOLFE of Clinton